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December 3, 2002
Brent M. Peckles 38,570
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19/T.D.
Sella
12/12/02

P&G Case 8287

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :

M.M. Peffly et al. :

Serial No. 09/685,850 ✓ :

Confirmation No. 4193 :

Filed October 10, 2000 :

Group Art Unit 1615

Examiner: R.M. Bennett

For SCALP COSMETIC COMPOSITIONS AND CORRESPONDING METHODS OF
APPLICATION TO PROVIDE SCALP MOISTURIZATION AND SKIN ACTIVE
BENEFITS

TERMINAL DISCLAIMER

Assistant Commissioner for Patents

12/10/2002 YCHADWIC 09/685,850 D. 09/685,536

01 FC:1814

110-00 CH
Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application (the assignment recorded on January 24, 2002 at reel 012531, frame 0040). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/685,536, filed on October 10, 2000 (the assignment recorded on January 24, 2002 at reel 012531, frame 0005). The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) of \$110.00 for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

By



Brent M. Peebles
Attorney or Agent for Applicants
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Date: December 3, 2002

Customer No. 27752